

MONTANA LEGISLATIVE HISTORY

Chapter 386 19 25

Bill H 691 S _____ Original bill & history C

H. Committee on Public Health, Welfare & Safety S. Committee on Labor and Employment Relations

Hearing Date(s) Feb 25 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Feb 25 ☒ C

Hearing Date(s) Mar 17 ☒ C

Mar 19 ☒ C

Mar 21 ☒ C

_____ ☐ C

Mar 21 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

1 *House* BILL NO. *691*
 2 INTRODUCED BY *William J. Sullivan*
 3 *Kille*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE PAYMENT
 5 OF PARTIAL DISABILITY OR INDEMNITY BENEFITS; AND AMENDING
 6 SECTION 92-709, R.C.M. 1947."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Disability benefits -- indemnity benefits
 10 -- election. (1) In addition to temporary total disability
 11 benefits allowed in this act, a worker whose injury results
 12 in partial disability is entitled to receive compensation
 13 under section 92-703.1 or indemnity benefits under section
 14 92-709.

15 (2) A worker who has elected to proceed under section
 16 92-709 may withdraw his election at any time and shall be
 17 entitled to compensation under section 92-703.1 during the
 18 remaining period of his disability, provided however, that
 19 he shall not be entitled to receive benefits under both
 20 sections during any month.

21 (3) A worker who has elected to proceed under section
 22 92-703.1 may withdraw his election at any time and is
 23 entitled to receive indemnity benefits under section 92-709,
 24 provided however, that he shall not be entitled to a greater
 25 benefit including compensation paid under section 92-703.1,

1 than he would have received if he had proceeded exclusively
 2 under section 92-709, and provided further that he shall not
 3 be entitled to receive benefits under both sections during
 4 any month.

5 Section 2. Section 92-709, R.C.M. 1947, is amended to
 6 read as follows:

7 "92-709. Compensation in case of specified injuries.

8 (1) In case of the following specified injuries,
 9 compensation for temporary total disability shall be paid at
 10 the weekly rate provided in section 92-703.1, during the
 11 healing period, but in no event shall the healing period for
 12 loss of a member exceed twenty-six (26) weeks, in addition
 13 thereto but in lieu of any other compensation provided by
 14 this act, compensation In addition to temporary total
 15 disability benefits allowed in this act, indemnity benefits

16 for loss of a member shall be paid at the weekly rate
 17 provided in section 92-703.1, and shall be paid for the
 18 following periods: For loss of:

19 One arm at or near shoulder.....280 weeks
 20 One arm at the elbow.....240 weeks
 21 One arm between wrist and elbow.....220 weeks
 22 One hand.....200 weeks
 23 One thumb and the metacarpal bone thereof..... 75 weeks
 24 One thumb at the proximal joint..... 37 weeks
 25 One thumb at the second distal joint..... 25 weeks

INTRODUCED BILL

1 One first finger and the metacarpal bone thereof... 40 weeks
 2 One first finger at the proximal joint..... 30 weeks
 3 One first finger at the second joint..... 22 weeks
 4 One first finger at the distal joint..... 15 weeks
 5 One second finger and the metacarpal bone thereof.. 37 weeks
 6 One second finger at the proximal joint..... 20 weeks
 7 One second finger at the second joint..... 15 weeks
 8 One second finger at the distal joint..... 8 weeks
 9 One third finger and the metacarpal bone thereof... 25 weeks
 10 One third finger at the proximal joint..... 15 weeks
 11 One third finger at the second joint..... 10 weeks
 12 One third finger at the distal joint..... 5 weeks
 13 One fourth finger and the metacarpal bone thereof.. 15 weeks
 14 One fourth finger at the proximal joint..... 11 weeks
 15 One fourth finger at the second joint..... 8 weeks
 16 One fourth finger at the distal joint..... 6 weeks
 17 One leg at or near the hip joint as to preclude the use of
 18 an artificial limb.....300 weeks
 19 One leg at or above the knee where stump remains sufficient
 20 to permit the use of an artificial limb.....200 weeks
 21 One leg between knee and ankle.....190 weeks
 22 One foot at the ankle.....180 weeks
 23 One great toe with the metatarsal bone thereof..... 37 weeks
 24 One great toe at the proximal joint..... 18 weeks
 25 One great toe at the second joint..... 12 weeks

1 One toe other than the great toe with the metatarsal bone
 2 thereof..... 16 weeks
 3 One toe other than the great toe at the proximal joint.....
 4 8 weeks
 5 One toe other than the great toe at second or distal joint..
 6 5 weeks
 7 One eye by enucleation.....165 weeks
 8 Total blindness of one eye.....140 weeks
 9 Total loss of hearing, one ear..... 40 weeks
 10 Total loss of hearing, both ears.....200 weeks
 11 In all cases of permanent injury to a member less than loss
 12 of the member compensation shall be paid for total temporary
 13 disability, without limitation as to time under section
 14 92-701.1. In addition thereto, indemnity benefits for
 15 permanent disability to a member or members shall be
 16 proportionate to loss or loss of use of the member or
 17 members at the weekly rate provided in section 92-703.1. In
 18 all other cases of permanent injury, less than total, not
 19 included in the above schedule, the compensation for partial
 20 disability shall bear such relation to the periods stated in
 21 the above schedule as the disabilities bear to those
 22 produced by the injuries named in the schedule or to partial
 23 disability (500 weeks).

24 Loss of vision: Where central visual acuity does not
 25 exceed 20/200 in the better eye with correcting lenses or

1 the widest diameter of the visual field subtends an angle no
2 greater than 20 degrees, the same as for loss of the eye.

3 Total loss of use: Indemnity benefits for permanent
4 total loss of use of a member shall be the same as for loss
5 of the member.

6 Disfigurement: The division may award proper and
7 equitable indemnity benefits for serious face, head, or neck
8 disfigurement, not to exceed twenty-five hundred dollars
9 (\$2,500) in addition to any other indemnity benefits payable
10 under this section.

11 The loss of both hands, or both arms, or both feet, or
12 both legs, or both eyes, or any two (2) thereof, in one (1)
13 accident, in the absence of conclusive proof to the contrary
14 shall constitute total disability, permanent in character.
15 Provided, however, that the percentage of permanent
16 disability caused by any single accident or injury shall be
17 so computed as to cover the permanent disability caused by
18 that particular injury without reference to any previous
19 physical ailment or defect or to any injury previously
20 suffered or any permanent disability caused thereby;
21 provided, that no payment under this section shall be in
22 lieu of the separate benefit of medical and hospital
23 services- and of any benefits paid under section 92-701.1
24 for temporary total disability."

-End-

HB 691

STATE OF MONTANA

REQUEST NO. 255-75

FISCAL NOTE

Form BD-15

compliance with a written request received March 8, 19 75, there is hereby submitted a Fiscal Note
House Bill 691 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act relating to the payment of partial disability or indemnity payments under the Workmen's Compensation Act.

FISCAL IMPACT:

House Bill 691 allows an injured worker a choice between receiving benefits under the partial disability section of the
Workmen's Compensation Act or under the indemnity benefits section. Such compensation payments are paid from the
Agency Fund. The bill would increase the amount of compensation paid and therefore increase the premiums paid by
employers. An actuarial evaluation would be necessary to determine the effect this bill would have on insurance rates.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: March 11, 1975

February 25, 1975

HB 676--SPONSOR: Rep. James Moore, district 18, said this bill would make payments to temporarily, totally disabled persons based on actual impairment of earning capacity until they become stabilized again. They would compare his wage before the injury to his ability to work afterwards. The effect would be to not freeze the worker into a substandard wage before he is stabilized.

Opponent George Wood said this would cause them to move from "method certain" to "method uncertain". It would be based on the wage at the time of the injury and would decrease or increase in wage based on the ability to work after the injury. Bill Sternhagen opposed the bill for the same reason as he opposed HB 490, which would increase cost and encourage unemployment.

In closing, Moore said it was only just that the records be examined to see what the actual impairment was. He said that wages have to be taken into consideration as a part of earning capacity and in the payment of compensation.

HB 691--SPONSOR: James Moore, district 18, said this bill would permit the choice between two compensation schemes: (1) payment based on impairment of earning capacity for duration of disability (follows HB 490); and (2) payment through indemnity benefits. This would allow the worker, under financial distress, to move from one to another.

Opponent George Wood said this bill changes the basic philosophy of the WCD act by providing for indemnity benefits, which is a completely new method. Bill Sternhagen opposed the bill for the reasons he opposed HB 490 and HB 676, as it would reduce their work force.

In closing, Moore said if, in fact, they do believe it would be difficult for the Anaconda Company, think of the worker without a job. He said that indemnity benefits have been given in the past, and the worker would be made as whole as possible. He recommended that if the committee voted favorably on the bills, any amendments be submitted to the Senate committee.

HB 640

HJR 50--SPONSOR: Rep. John Murphy, district 47, said these companion bills deal with the position of a patient's attorney for mental health care patients. HJR 50 asks for a study of the office. The attorney would have jurisdiction over the patient's human or civil rights and would have first priority to state institutions. He said these patients cannot help themselves by coming to the Legislature or through court hearings, and they must be afforded the dignity we have. The attorney must be insured of non-removal. Proponent Dick Rosenleaf, Warm Springs Hospital, said these people should have counsel for their human and civil rights. He said, presently, they do use legal aid. His only objection was that this lawyer would have to cover the entire institution and could not do justice to any individual. Jim Johnson, Butte, listed needs for a staff lawyer: (1) Many times patients do not need to be imprisoned for as long as they are; (2) they are deprived

of certain privileges just because of ignorance of their rights; (3) the patient's right to psychiatric help; and (4) the right to an adequate staff. He said that he favored the idea, and that it did not matter if he was contracted through the legislature or through legal services. Jane Edwards, director, nursing service, Warm Springs, said that they do realize that patients have these problems, and that legal counsel is difficult to obtain. Les Slette and Archie McPhail, Warm Springs, supported the bills. Mr. McPhail said this is needed for the under privileged patients and the children.

In closing, Murphy asked for favorable consideration of HJR 50 so that problems of HB 640 could be worked out over the interim, since this is a freshman step. Lynch pointed out that they are asking that this attorney be paid the same as the Attorney General. When questioned, Ms. Edwards said she would object to taking funds from the Warm Springs budget to fund this program, but she said that their departments would take care of time cards and wages for these people, and purchasing office items.

There being no further testimony, the committee went into executive discussion.

HB 649--Rep. Gould explained that the Blind Association opposed the bill because they were afraid the \$42,000 requested to cover western Montana would eventually take away from the blind in the eastern part of the state. Gould said he was non-committal, but would like to see this program function on a state-wide basis.

LYNCH MOVED DO PASS UNDER THE STIPULATION THAT IT GO TO APPROPRIATIONS. MOTION CARRIED WITH REP. FAGG OPPOSING.

HB 657--REP. GOULD MOVED DO NOT PASS. SECONDED BY REP. HERLEVI.

REP. McFADDEN MOVED SUBSTITUTE MOTION, DO PASS. MOTION FAILED WITH REP. HOLMES, REP. HARPER, AND REP. McFADDEN IN FAVOR AND REPS. MENAHAN, BABCOCK, DUSSAULT, FINLEY, LESTER, LYNCH, FAGG, GOULD, HERLEVI, MURPHY, PALMER, RASMUSSEN, AND ANDERSON OPPOSED.

ORIGINAL MOTION, DO NOT PASS, CARRIED WITH HOLMES, HARPER AND McFADDEN OPPOSING.

HB 551--BABCOCK MOVED DO PASS. SECONDED BY REP. HERLEVI. MOTION CARRIED UNANIMOUSLY.

HB 490--REP. FINLEY MOVED DO PASS. SECONDED BY MURPHY. MOTION CARRIED WITH BABCOCK AND RASMUSSEN OPPOSING.

HB 676--REP. FINLEY MOVED DO PASS. SECONDED BY MURPHY. MOTION CARRIED WITH REP. BABCOCK OPPOSING.

HB 691--REP. FINLEY MOVED DO PASS. SECONDED BY MURPHY. MOTION CARRIED WITH BABCOCK AND RASMUSSEN OPPOSING.

CONSIDERATION OF HOUSE BILL 691: An act relating to the payment of partial disability of indemnity benefits:

Representative Moore, sponsor of the bill, appeared before the committee to introduce this bill. This is adopted to give the injured employee the option to go from section 703 to 709 or visaversa. Section 703 is compensation on actual loss of availability to earn wages. He is not able to receive benefits under both during any month. Under 709, not only is temporary total disability covered but indemnity benefits for loss of a member is covered and shall be paid at the weekly rate provided in 703.

Jim Murry, of the AFL-CIO, appeared in support of this bill.

George Wood, of the Montana Self Insurers Association, appeared in opposition to this bill. (See attached testimony.)

Bill Sternhagen, of the Anaconda Company, appeared in opposition to this bill. Mr. Sternhagen stated that his argument is the same as for all the bills. This would increase costs to employers, this should not be done by the legislature. These costs cannot be placed on the consumer because the consumer is not buying products. Since we have a very good Advisory Council it would be wise to put this under their study.

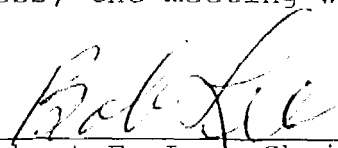
Larry Riley, Intermountain Division of Horner Waldorf, appeared in opposition to this bill. Mr. Riley stated that he did not see how this bill would be administered because it is something new that gives a man the right to switch back and forth from permanent partial to indemnity. I don't think when a working man is hurt and cannot continue working at the job he has had it would be as great a hardship for him if he could receive 80% wages plus benefits paid. These bill are a potential for trouble. These four bills should be studied by the Advisory Council.

Representative Moore, in closing, stated that this bill provides an easy scheme for switching back and forth. You have a special number of weeks in which to switch and if you go beyond that point, this act provides for no disability compensation. This is not going to be an administrative nightmare it may be a little more difficult to administer because of the built in provisions. These three bills are directed at three specific problems. These did not come out of the study and you cannot delay the problem. Now is the time to look at these bills. The mistaken effect of changing this is that it will affect the employer but can you imagine what it is doing for the injured claimant.

Discussion was then held by the committee.

ADJOURN:

There being no further business, the meeting was adjourned at 11:00 a.m.



Robert E. Lee, Chairman

DISPOSITION OF HOUSE BILL 408: Senator Smith moved to adopt the amendments. (See standing committee report.) Motion carried with Senator's Lee, Mehrens and Norman opposed. Senator Smith then moved that HB 408 AND AS SO AMENDED, BE CONCURRED IN. Motion carried with Senator Etchart opposed.

DISPOSITION OF HOUSE BILL 427: Senator Etchart moved to adopt the amendments proposed by Mr. Huss. (See standing committee report for amendments number 2 & 3.) Motion carried with Senator's Lee, Mehrens, and Norman opposed. Senator Etchart then moved to adopt the amendments on "log loading equipment" motion carried unanimously. (See standing committee report amendment number 1.) Senator Smith moved that HB 427 AND AS SO AMENDED, BE CONCURRED IN. Motion carried with Senator's Ethcart, Olson and Blaylock opposed.

DISPOSITION OF HOUSE BILL 443: Senator Mehrens moved to adopt the amendments. (See standing committee report.) Motion carried unanimously. Senator Norman moved that HB 443 AND AS SO AMENDED, BE CONCURRED IN. Motion carried with Senator Etchart opposed.

DISPOSITION OF HOUSE BILL 444: Senator Etchart moved that the amendment proposed by Bill Romine be adopted. Senator Etchart withdrew his motion and made a substitute motion that HB 444 BE NOT CONCURRED IN. Motion carried with Senator's Lee, Mehrens, and Norman opposed.

DISPOSITION OF HOUSE BILL 656: Senator Mehrens moved to adopt the amendments. (See standing committee report) and that HB 656 AND AS SO AMENDED, BE CONCURRED IN. Motion carried unanimously.

DISPOSITION OF HOUSE BILL 676: Senator Etchart moved that HB 676 BE NOT CONCURRED IN. Motion failed. Senator Mehrens moved that HB 676 BE CONCURRED IN. Motion carried with Senator's Olson, Etchart, and Hazelbaker opposed.

FURTHER CONSIDERATION OF HOUSE BILL 427: With HB 444 BEING NOT CONCURRED IN, Senator Etchart moved to reconsider the action on HB 427 motion carried unanimously. Senator Etchart then moved that the amendment on "air compressors" be adopted into HB 427. (See standing committee report.) Motion carried unanimously.

DISPOSITION OF HOUSE BILL 490: Senator Smith moved that HB 490 BE CONCURRED IN. Vote was tied HB 490 passed out of committee WITHOUT RECOMMENDATION.

DISPOSITION OF HOUSE BILL 691: Senator Olson moved that HB 691 BE NOT CONCURRED IN. Motion failed with Senator's Norman, Mehrens, Smith, and Lee opposed. Senator Smith then moved that HB 691 BE CONCURRED IN. Motion carried with Senator's Etchart, Olson, and Hazelbaker opposed. Chairman Lee extended the courtesy of voting on these bills to Senator Blaylock who was excused from the meeting. Chairman Lee also stated that Senator Blaylock's vote on this would determine if the bill would be sent out with recommendation or not.

DISPOSITION OF HOUSE BILL 362: Senator Smith moved that HB 362 BE CONCURRED IN. Motion carried with Senator's Etchart, Olson, and Hazelbaker opposed.

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 3-19-75 House Bill No. 691 Time _____

NAME	YES	NO
Senator Robert Lee, Chairman		✓
Senator Richard Smith, Vice Chairman		✓
Senator Chet Blaylock	✓	
Senator Mark Etchart	✓	
Senator Frank Hazelbaker	✓	
Senator John Mehrens		✓
Senator Bill Norman		✓
Senator S. A. Olson	✓	

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Senator Olson moved that HB691 BE
NOT CONCURRED IN. Motion has tie vote
Bill passout without Recommendation.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date 3-19-75 House Bill No. 641 Time _____

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock		✓
Senator Mark Etchart		✓
Senator Frank Hazelbaker		✓
Senator John Mehrens	✓	
Senator Bill Norman	✓	
Senator S. A. Olson		✓

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Senator Smith moved HB691. BE CONCURRED
IN. Motion ~~passed~~ had tie vote. HB691
Passed out of Committee WITHOUT
RECOMMENDATION

(include enough information on motion--put with yellow copy of committee report.)

DISPOSITION OF HOUSE BILL 562: Senator Norman moved that HB 562 BE CONCURRED IN. Motion carried unanimously.

DISPOSITION OF HOUSE BILL 563: Senator Blaylock moved that HB 563 BE CONCURRED IN. Motion carried unanimously.

FURTHER CONSIDERATION OF HOUSE BILL 691: During the meeting on March 19, 1975 HB 691 had been acted upon. During this meeting Chairman Lee extended the courtesy of voting on this bill to Senator Blaylock who had to attend another meeting. His vote on this bill caused a conflict in motions. So Senator Norman moved to reconsider our action on HB 691. Motion carried unanimously, with Senator Mehrens excused. It was decided that the first motion by Senator Olson made on March 19, 1975 be used. This motion was that HB 691 BE NOT CONCURRED IN. Vote tied HB 691 went out WITHOUT RECOMMENDATION.

FURTHER CONSIDERATION OF HOUSE BILL 648: Senator Blaylock moved to reconsider our motion on HB 648. Motion carried. Senator Blaylock then moved that HB 648 be amended to include the amendment proposed by Ross Cannon for the mobile home dealers. (See attached.) Motion carried unanimously. Senator Blaylock moved that HB 658 AND AS SO AMENDED BE CONCURRED IN. Motion carried with Olson & Etchart opposed.

FURTHER CONSIDERATION OF HOUSE BILLS 330, 331, 332, & 461: These four bills were heard in a joint meeting between the House and the Senate on February 20, 1975 at 7:30 p.m. The testimony was heard jointly on all four bills. The committee held general discussion on these four bills.

Senator Blaylock asked what the last time was that the base went over the \$4,200 level. Fred Barrett, of the Employment Security Division, stated that this occurred in 1972. Bob Holding, of the St. Regis Paper Company asked how many states went over \$4,200. Mr. Barrett stated that there are six states over \$4,200.

Harold Kansier, of the Employment Security Division, stated that to increase the taxable wage base to \$4,800 would bring in additional funds in the amount of \$1,360,000 for the year. Senator Blaylock asked what percentage of that would the employer be charged. Mr. Kansier stated that it would be 1.5% of the available tax rate. Chairman Lee stated that the rate would start at the minimum and then go to the maximum. Mr. Kansier stated that it would start at 1.5% and then go to the 3.1%. Mr. Barrett added that you increase the taxable base on \$4,200 to \$4,800 and apply the rate of tax to \$4,800.

Senator Norman asked that if you presume the tax base goes from \$4,200 to \$4,800 and the rate remains the same, how much money is that for the next biennium? Mr. Holding stated that it would be a 18% increase or \$600 more wages. They don't stop at \$4,200 they go on to \$4,800. In figures this is first \$1,360,000 for 1976 and then \$1,540,000 for 1977.

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date MARCH 21, 1975 House Bill No. 691 Time

NAME	YES	NO
Senator Robert Lee, Chairman	✓	
Senator Richard Smith, Vice Chairman	✓	
Senator Chet Blaylock	✓	
Senator Mark Etchart	✓	
Senator Frank Hazelbaker	✓	
Senator John Mehrens <i>excused</i>		
Senator Bill Norman	✓	
Senator S. A. Olson	✓	

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Senator Norman moved to reconsider our action on #B691
to close up conflict in Motions. Motion carried
unanimously with Senator Mehrens excused.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE LABOR AND EMPLOYMENT RELATIONS

Date March 21, 1975 House Bill No. 691 Time

NAME	YES	NO
Senator Robert Lee, Chairman		✓
Senator Richard Smith, Vice Chairman		✓
Senator Chet Blaylock	✓	
Senator Mark Etchart	✓	
Senator Frank Hazelbaker	✓	
Senator John Mehrens		✓
Senator Bill Norman		✓
Senator S. A. Olson	✓	

Mary Anne Choquette
Secretary

Robert E. Lee
Chairman

Motion: Senator Olson stated the motion made on
March 19 1975 that HB 691 Be Not Considered
In the tied bill passed out without Recommendation
This was the first motion made on HB 691 on 3-19-75.

(include enough information on motion--put with yellow copy of committee report.)

HOUSE BILL NO. 691

INTRODUCED BY JAMES MOORE, QUILICI, SLOAN, KIMBLE

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE PAYMENT
OF PARTIAL DISABILITY OR INDEMNITY BENEFITS; AND AMENDING
SECTION 92-709, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Disability benefits -- indemnity benefits
-- election. (1) In addition to temporary total disability
benefits allowed in this act, a worker whose injury results
in partial disability is entitled to receive compensation
under section 92-703.1 or indemnity benefits under section
92-709.

(2) A worker who has elected to proceed under section
92-709 may withdraw his election at any time and shall be
entitled to compensation under section 92-703.1 during the
remaining period of his disability, provided however, that
he shall not be entitled to receive benefits under both
sections during any month.

(3) A worker who has elected to proceed under section
92-703.1 may withdraw his election at any time and is
entitled to receive indemnity benefits under section 92-709,
provided however, that he shall not be entitled to a greater
benefit including compensation paid under section 92-703.1,

than he would have received if he had proceeded exclusively
under section 92-709, and provided further that he shall not
be entitled to receive benefits under both sections during
any month.

Section 2. Section 92-709, R.C.M. 1947, is amended to
read as follows:

"92-709. Compensation in case of specified injuries.

(1) In case of the following specified injuries,
compensation for temporary total disability shall be paid at
the weekly rate provided in section 92-703.1, during the
healing period, but in no event shall the healing period for
loss of a member exceed twenty-six (26) weeks. In addition
thereto but in lieu of any other compensation provided by
this act, compensation In addition to temporary total
disability benefits allowed in this act, indemnity benefits

for loss of a member shall be paid at the weekly rate
provided in section 92-703.1, and shall be paid for the
following periods: For loss of:

One arm at or near shoulder.....	280 weeks
One arm at the elbow.....	240 weeks
One arm between wrist and elbow.....	220 weeks
One hand.....	200 weeks
One thumb and the metacarpal bone thereof.....	75 weeks
One thumb at the proximal joint.....	37 weeks
One thumb at the second distal joint.....	25 weeks

1 One first finger and the metacarpal bone thereof... 40 weeks
 2 One first finger at the proximal joint..... 30 weeks
 3 One first finger at the second joint..... 22 weeks
 4 One first finger at the distal joint..... 15 weeks
 5 One second finger and the metacarpal bone thereof.. 37 weeks
 6 One second finger at the proximal joint..... 20 weeks
 7 One second finger at the second joint..... 15 weeks
 8 One second finger at the distal joint..... 8 weeks
 9 One third finger and the metacarpal bone thereof... 25 weeks
 10 One third finger at the proximal joint..... 15 weeks
 11 One third finger at the second joint..... 10 weeks
 12 One third finger at the distal joint..... 5 weeks
 13 One fourth finger and the metacarpal bone thereof.. 15 weeks
 14 One fourth finger at the proximal joint..... 11 weeks
 15 One fourth finger at the second joint..... 8 weeks
 16 One fourth finger at the distal joint..... 6 weeks
 17 One leg at or near the hip joint as to preclude the use of
 18 an artificial limb.....300 weeks
 19 One leg at or above the knee where stump remains sufficient
 20 to permit the use of an artificial limb.....200 weeks
 21 One leg between knee and ankle.....190 weeks
 22 One foot at the ankle.....180 weeks
 23 One great toe with the metatarsal bone thereof..... 37 weeks
 24 One great toe at the proximal joint..... 18 weeks
 25 One great toe at the second joint..... 12 weeks

1 One toe other than the great toe with the metatarsal bone
 2 thereof..... 16 weeks
 3 One toe other than the great toe at the proximal joint.....
 4 8 weeks
 5 One toe other than the great toe at second or distal joint..
 6 5 weeks
 7 One eye by enucleation.....165 weeks
 8 Total blindness of one eye.....140 weeks
 9 Total loss of hearing, one ear..... 40 weeks
 10 Total loss of hearing, both ears.....200 weeks
 11 In all cases of permanent injury to a member less than loss
 12 of the member compensation shall be paid for total temporary
 13 disability, without limitation as to time under section
 14 92-701.1. In addition thereto, indemnity benefits for
 15 permanent disability to a member or members shall be
 16 proportionate to loss or loss of use of the member or
 17 members at the weekly rate provided in section 92-703.1. In
 18 all other cases of permanent injury, less than total, not
 19 included in the above schedule, the compensation for partial
 20 disability shall bear such relation to the periods stated in
 21 the above schedule as the disabilities bear to those
 22 produced by the injuries named in the schedule or to partial
 23 disability (500 weeks).

24 Loss of vision: Where central visual acuity does not
 25 exceed 20/200 in the better eye with correcting lenses or

1 the widest diameter of the visual field subtends an angle no
2 greater than 20 degrees, the same as for loss of the eye.

3 Total loss of use: Indemnity benefits for permanent
4 total loss of use of a member shall be the same as for loss
5 of the member.

6 Disfigurement: The division may award proper and
7 equitable indemnity benefits for serious face, head, or neck
8 disfigurement, not to exceed twenty-five hundred dollars
9 (\$2,500) in addition to any other indemnity benefits payable
10 under this section.

11 The loss of both hands, or both arms, or both feet, or
12 both legs, or both eyes, or any two (2) thereof, in one (1)
13 accident, in the absence of conclusive proof to the contrary
14 shall constitute total disability, permanent in character.
15 Provided, however, that the percentage of permanent
16 disability caused by any single accident or injury shall be
17 so computed as to cover the permanent disability caused by
18 that particular injury without reference to any previous
19 physical ailment or defect or to any injury previously
20 suffered or any permanent disability caused thereby;
21 provided, that no payment under this section shall be in
22 lieu of the separate benefit of medical and hospital
23 services; and of any benefits paid under section 92-701.1
24 for temporary total disability."

-End-